

NOTICE TO ATTORNEYS

The attached Amended Miscellaneous Order No. 30 is now effective and service of all federal process may now be made in the manner prescribed by both federal and state law as authorized by Rule 4, Federal Rules of Civil Procedure.

The options therefore available for service of civil process, either personally or by certified mail, are:

- (1) Sheriff
- (2) Constable
- (3) Person specially appointed by the Court
(see attached application)
- (4) U. S. Marshal - personal service or service by certified mail, as appropriate, in actions by or against the United States, its officers or agencies, and service by certified mail only, in all other civil actions except as ordered by the Court.

The U. S. Marshal for the Northern District of Texas will no longer make personal service of civil process in non-government litigation but will serve process by certified mail only. If service by mail cannot be completed, the Marshal will return all papers to the person requesting the service. The Marshal will continue to make personal service or service by certified mail, as appropriate, in actions by or against the United States, its officers, or agencies.

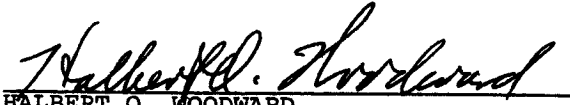
Attorneys seeking the issuance of civil process from the U. S. District Clerk must elect one of the foregoing options and so inform the Clerk. Attorneys selecting the U. S. Marshal for service will deliver the prepared papers and Form USM 285 (properly completed) to the Clerk for transmittal to the Marshal. If attorneys select any other type of service, then pursuant to Rule 4, the process shall be signed by the Clerk and under the seal of the Court and then returned to the attorney for delivery to the person selected. Attorneys requesting special appointment of a process server may deliver the application to the Clerk who will convey it to the appropriate Judge, or sign it as appropriate; however, it is incumbent upon the attorney to verify the appointment of the process server before securing the execution of the process.

Pursuant to Amended Miscellaneous Order No. 30, the Court may designate the type of service in any case.

This Order shall become effective as of the 1st day of

AUGUST, 1981.

ENTERED this 13th day of July 1981.


HALBERT O. WOODWARD
Chief Judge
Northern District of Texas

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U. S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

JUL 28 1981

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

JOSEPH McELROY, JR., CLERK
BY *M. Crawford*
Chief Deputy

AMENDED MISCELLANEOUS ORDER NO. 30

Pursuant to the direction of the Judges of the Northern District of Texas, Miscellaneous Order No. 30 is hereby amended to read as follows:

(1) Miscellaneous Order No. 20, pertaining to the service of process and the manner of service of process in this District, is hereby repealed.

(2) On and after the effective date hereof, service of process shall be made in accordance with the provisions of Rule 4, Fed.R.Civ.P. Subpoenas shall be served as provided in Rule 45, Fed.R.Civ.P.

(3) It is the intent of this order that the officers and persons charged with the service of process in this District shall utilize in full all of the methods authorized for such service by the Federal Rules of Civil Procedure including service in the manner prescribed by State law as authorized by Rule 4(d)(7), Fed.R.Civ.P. A Judge shall have the right, upon the Court's motion, to designate the type of service in any case.

It is further ordered that any person desiring service of process by some person specially appointed by the Court for that purpose pursuant to Rule 4(c), Fed.R.Civ.P., shall make application for such appointment to the Clerk's office on the attached form. The Clerk shall then forthwith secure the approval of a Judge for service in this manner and when the Judge has signed such authorization, it shall be the responsibility of the attorney requesting such service to contact the person so designated and make arrangements for service by such person. The Clerk may sign the authorization after receiving approval of a Judge by telephone when no Judge is immediately available.

The Clerk will furnish a copy hereof to each Court and to the Deputy Clerks in each Division.